

HIGHLIGHTS OF MAJOR RECOMMENDATIONS IN THE REPORT OF THE CENTURY FOUNDATION WORKING GROUP ON STATE IMPLEMENTATION OF ELECTION REFORM

Voter Registration

- States need to provide clear rules for what missing or incorrect information will be a basis for disqualification and/or the need to correct or amend a registration form. The report recommends what data should and should not be included.
- In order to ensure all voters are properly registered in time for election day, states should consider a two-tiered system of voter registration by which a voter who registers to vote earlier in the registration process would be guaranteed that administrators will take all steps possible to ensure he or she is properly registered and will be able to vote by regular ballot. Last minute registrants would have fewer guarantees that they will be able to vote by regular and not by provisional ballot.
- In conjunction with this system, states should implement a system by which all voters receive a receipt with a tracking number, allowing the voter and other interested parties to check on registration status through the use of that number and a publicly available registration list.

Provisional Ballots

- If a voter fails to present identification but was required to do so under the Help America Vote Act (HAVA), the report recommends that election administrators make every effort to verify that voter's eligibility through available databases. If such verification is made, the provisional ballot should be counted.
- In addition, states should give voters who arrive at the polls without required identification up to three days to provide HAVA-specified forms of identification. Whatever procedures the states choose for making this determination, it should be clear and thus not susceptible to post-election manipulation and litigation.
- If a voter appears at any precinct within the county in which the voter resides, the provisional ballot cast by the voter should be counted for all countywide, statewide, and presidential races. If a state chooses to require voters to appear at their assigned precinct, in cases where the same polling site serves more than one precinct (a single school gym containing three precincts, for example), a voter's provisional ballot should count as long as the voter appears at the correct polling site.
- If an administrative error on the state's part is the reason why a timely new registration form did not result in the entry of this voter on the state's official list of registered voters, the voter's provisional ballot should count as a valid vote.

Statewide Voter Registration Databases

- States should take all appropriate measures to protect the privacy rights of voters when constructing and utilizing the statewide voter registration database.
- Databases should be, at a minimum, connected interactively with the Department of Motor Vehicles, courts, Department of Corrections, and the state's Department of Vital Statistics. Optimally, the database should be connected interactively with as many state agencies as possible to ensure the timely and accurate updating of voter information and the most accurate matching and verification of voter registration information.

- When computer verification find records that match some but not all voter information, these “near matches” should be audited for transposed characters, inverted names, or other frequent errors. States should adopt a “substantial match standard” that verifies those applicants who have a significant part of their records verified within state databases.
- States should explore opportunities for interstate compatibility in their database software and communications systems.

Felon Purges

- With respect to ex-felons, best practices require states to make re-enfranchisement automatic or no more burdensome than the process required for any new registrant. As long as the ex-felon completes all necessary steps specified by law, re-enfranchisement should be ministerial (i.e., mandatory), not discretionary.
- States should adopt statutes that specify and standardize matching criteria for purging purposes. These statutes should prescribe the use of numerous matching criteria, require exact matches of felony conviction and voter registration data, and require that matches be double-checked at state and county levels. Matching criteria should include first name, middle name, last name, gender, maiden name, date of birth, place of birth and driver’s license number if any.
- Purges should be done year-round, but end 90 days before the election so anyone purged is given due notice and opportunity to contest the state’s determination. Any individual to be purged should first be mailed a certified, forward-able notification letter to the last known address. The notification should notify the individual that he or she has a specified time period within which to respond if he or she wishes to contest the state’s determination.

Voter Identification

- States should not expand voter identification rules at this time—for example, by requiring all voters to show identification documentation at the polls—as there has been insufficient time for a thorough evaluation of relevant information and options relating to such rules. Instead, this report encourages policymakers and policy analysts to explore new approaches that might minimize the scope and extent of policy disagreement on the topic of voter identification and to diffuse some of the intense controversy surrounding this topic.
- States that currently require voters to present photo identification when they vote should make sure that such documentation is widely available at the state’s expense, so that the identification requirement does not have the practical effect of operating as a kind of poll tax.
- Whatever particular rules a state adopts regarding required identification at time of registration and voting, states should make sure those rules are straightforward and unambiguous, so that both voters and poll workers easily understand exactly what rules apply.
- Given the special sensitivity of identification requirements, states should pay close attention to whether their rules, both as written and as implemented, are consistent with the basic principle of treating all voters equally. In this regard, states should be wary of adopting identification requirements applicable to voting at polling places that do not apply also to absentee or other forms of at-home or mail-in voting. States that require more stringent forms of identification when voting at polling places than when voting at home may be expected to justify this distinction in Equal Protection litigation under strict scrutiny standard and may be hard pressed to do so.

Testing and Certification of Voting Systems

- States should engage in both federal and state testing and certification procedures.
- All states should require voting systems to meet federal voting system standards, *and* comply with the state's own testing and certification process and standards. The purpose of the state certification system should be not only to ensure that the systems comply with any additional requirements the state might impose, but to fill in any gaps in the vendor and Independent Testing Authority testing.
- Changes or upgrades to software in electronic systems should be subject to review and certification; penalties for installation of uncertified software or software upgrades should be stiff.